

Legislation Details (With Text)

File #:	22-546	Name:	
Type:	Ordinance	Status:	Passed
File created:	5/12/2022	In control:	City Council
On agenda:	5/23/2022	Final action:	5/23/2022
Title:	Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the "C-3" Commercial District addressed at 455 Beaty Street.		

Sponsors:**Indexes:****Code sections:**

Attachments: 1. City Maps, 2. Applicant Attachments, 3. Subject Property Photos, 4. Notification Map, List, & Responses, 5. Draft Minutes, 6. Ordinance

Date	Ver.	Action By	Action	Result
5/23/2022	1	City Council	approved with staff recommendations	Pass

PRESENTER:

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the "C-3" Commercial District addressed at 455 Beaty Street.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council District - 5

BACKGROUND INFORMATION:

Case No.: SUP22-116

Applicant/Owner: Cheryl H. Gordon
188 Balcones Avenue
New Braunfels, TX 78130
(832) 247-7500 | suiteretreat@netscape.net

Staff Contact: Laure Middleton
(830) 221-4054 | LMiddleton@nbtexas.org

The subject property is zoned "C-3" Commercial District and is located between Beaty Street and East Nacogdoches Street adjacent to the Union Pacific Railroad one block west of the Guadalupe River. The existing house is approximately 925 square feet with two bedrooms and one bath built in 1948 on Lot 10, New City Block 1052, Palm Beach Subdivision.

With one bathroom and two bedrooms, the maximum occupancy will be 5 guests. A minimum of two off-street paved parking spaces are required. The existing driveway is large enough to accommodate one vehicle, and there is a paved covered carport at the back of the house off Nacogdoches to accommodate a second vehicle.

Surrounding Zoning and Land Use:

North - across Nacogdoches and UPRR - R-3 / Multifamily

South - across Beaty - C-3 / Single family residences

East - C-3 / Single family residence

West - C-3 / Single family residence

ISSUE:

The proposed SUP would be consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.14: Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.

Future Land Use: The property is situated within the New Braunfels Sub-Area, near a Recreational River Corridor, in close proximity to a Market Center, and a short drive or bicycle ride to Tourist Centers in Central New Braunfels.

There is one currently active STR within one-half mile of the subject property (see attachment). Short term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties. If the SUP is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required.

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

RECOMMENDATION:

Staff recommends approval with the following conditions:

1. Paved off-street parking for at least two vehicles to be provided in accordance with City standards.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy is limited to a maximum of 5 guests.
5. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
6. All other standards of the Zoning Ordinance will also be met.

The Planning Commission held a public hearing on May 11, 2022, and unanimously recommended approval (6-0-0) with Commissioners Tubb, Anderson-Vie, and Sonier absent.

Notification pursuant to state statute:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. To date, the city has received two responses in favor (properties #5 and 7), one response in objection (property #8) and two responses in objection from outside the notification area.

Resource Links:

- Chapter 144, Sec. 3.3-9 (C-3) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOORC

[H144ZO_ARTVDEST_S144-5.17SHTEREOC](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOORC)